

**PUBLIC VERSION**

DANIEL J. BERGESON, Bar No. 105439  
[dbergeson@be-law.com](mailto:dbergeson@be-law.com)  
DONALD P. GAGLIARDI, Bar No. 138979  
[dgagliardi@be-law.com](mailto:dgagliardi@be-law.com)  
MELINDA M. MORTON, Bar No. 209373  
[mmorton@be-law.com](mailto:mmorton@be-law.com)  
MICHAEL W. STEBBINS, Bar No. 138326  
[mstebbins@be-law.com](mailto:mstebbins@be-law.com)  
BERGESON, LLP  
303 Almaden Boulevard, Suite 500  
San Jose, CA 95110-2712  
Telephone: (408) 291-6200  
Facsimile: (408) 297-6000

Attorneys for Plaintiff  
VERIGY US, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation,

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;  
WESLEY MAYDER, an individual; SILICON  
TEST SYSTEMS, INC., a California Corporation;  
and SILICON TEST SOLUTIONS, LLC, a  
California Limited Liability Corporation,  
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF MICHAEL W.  
STEBBINS IN OPPOSITION TO  
DEFENDANTS' MOTION TO COMPEL  
FURTHER PRODUCTION OF  
DOCUMENTS FROM VERIGY IN  
RESPONSE TO FIRST DOCUMENT  
REQUEST**

Date: September 30, 2008  
Time: 10:00 am  
Courtroom: 2, 5th Floor  
Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007  
Trial Date: None Set

AND RELATED COUNTERCLAIMS.

**PUBLIC VERSION OF DOCUMENT SUBMITTED UNDER SEAL**

**HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY**

**PURSUANT TO STIPULATED PROTECTIVE ORDER**

1 I, Michael W. Stebbins, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of  
3 California and before this Court. I am a partner with the law firm of Bergeson, LLP, counsel of  
4 record for plaintiff, Verigy US, Inc. ("Verigy") in the above-captioned action. I have personal  
5 knowledge of the facts set forth in this declaration, and, if called to do so, I could and would  
6 competently testify thereto. As to matters stated on information and belief, I am informed and  
7 believe them to be true.

8 2. Attached hereto as Exhibit A is a true and correct copy of a Common Interest and  
9 Joint Defense Agreement between Verigy and Robert Pochowski, dated September 21, 2007.

10 3. Attached hereto as Exhibit B is a true and correct copy of Verigy's Second  
11 Amended Privilege Log in the above-captioned action, setting forth the basis for withholding from  
12 production documents asserted by Verigy as privileged, including under the common interest  
13 doctrine.

14 4. On information and belief, Verigy's common interest privilege with respect to  
15 documents reflecting communications between Verigy and Mr. Pochowski has not been waived.  
16 To my knowledge, based on a reasonable inquiry, both Verigy and Pochowski have maintained  
17 the confidentiality of their communications and the documents in dispute.

18 5. In addition to the letters exchanged between counsel on July 15 and 16, 2008  
19 (which are Exhibits 5 and 6 to the Hale Declaration in support of the instant motion), counsel for  
20 the parties had a teleconference on August 5, 2008 to meet and confer on the issue of the common  
21 interest doctrine. In that conference, in hopes of resolving the issues short of motion practice, I  
22 offered Tim Hale, counsel for defendants, that Verigy would be willing to amend its existing  
23 privilege log and thereafter discuss any remaining issues defendants may have with the documents  
24 identified on that log. In keeping with that offer, Verigy submitted Exhibit B herein to  
25 defendants' counsel on August 8, 2008. However, we heard nothing further from defendants'  
26 counsel regarding the common interest issue until being notified of the e-filing of this motion on  
27 August 26, 2008. Attached hereto as Exhibit C is a true and correct copy of an e-mail exchange  
28 between myself and defendants' counsel regarding my belief that further discussions would occur

1 before the filing of any motion.

2 I declare under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct and that this declaration was executed this 9th day of September,  
4 2008 at San Jose, California.

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/s/  
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Michael W. Stebbins

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